



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

400 Seventh St., S.W.
Washington, D.C. 20590

NOV 6 2001

DOT-E 12677

EXPIRATION DATE: September 30, 2003

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Austin Powder Company
Cleveland, OH
2. PURPOSE AND LIMITATION:
 - a. This exemption authorizes the transportation in commerce of certain Division 1.1, 1.4, 1.5D explosives, Division 5.1 oxidizers, Class 8 material and combustible liquids in separate containers mounted on the same vehicle frame structure. This exemption provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein.
 - b. The safety analyses performed in development of this exemption only considered the hazards and risks associated with transportation in commerce. The safety analyses did not consider the hazards and risks associated with other uses not associated with transportation in commerce.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 177.835(c)(3) in that Division 1.1 explosives may not be loaded into or carried on any vehicle in a combination with a cargo tank containing material required to be placarded under § 177.823 (i.e., Combustible liquid, n.o.s.) except as specified herein; § 177.848(e) Table in that Division 1.1 and 1.5 explosives may not be shipped together with Division 5.1 or Class 8 liquids except as specified herein; and § 177.848(g) in that Compatibility Group B detonators may not be carried on the same motor vehicle as Compatibility Group D explosives except as specified herein.

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5. BASIS: This exemption is based on the application of Austin Powder Company dated March 9, 2001 submitted in accordance with § 107.105 and the public proceeding thereon.
6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Proper Shipping Name/ Hazardous Materials Description	Hazard Class/ Division	Identi- fication Number	Packing Group
Acetic acid solution	8	UN2790	II
Ammonium nitrate-fuel oil mixture	1.5D	NA0331	II
Ammonium nitrate	5.1	UN1942	III
Articles, explosive, n.o.s. (Shock tubing containing HMX)	1.4S	UN0349	II
Boosters	1.1D	UN0042	II
Combustible liquid, n.o.s.	--	NA1993	III
Cord, detonating	1.1D	UN0065	II
Detonator assemblies, non- electric	1.4B	UN0361	II
Detonators, electric	1.4B	UN0255	II
Explosive, blasting, type A	1.1D	UN0081	II
Explosive, blasting, type E	1.5D	UN0332	II
Explosive, blasting, type B	1.5D	UN0331	II
Explosives, blasting, type E	1.1D	UN0241	II
Nitrites, inorganic, aqueous solution, n.o.s. (sodium nitrite)	5.1	UN3219	III
Oxidizing liquid, n.o.s. (contains ammonium nitrate/fuel oil aqueous emulsion)	5.1	UN3139	II

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7. SAFETY CONTROL MEASURES:a. PACKAGING - Packagings prescribed are as follows:

(1) Division 1.1D and 1.5D explosives must be packaged as prescribed in the § 173.62(c) Table according to their UN number and overpacked in an IME Safety Library Publication 22 (IME-22) container.

(2) Division 1.4B electric detonators and non-electric detonator assemblies as well as the Division 1.4S shock tube must be packaged according to §§ 173.63(f) or (g) in a separate IME-22 container.

(3) Combustible liquids (NA1993) must be packaged in DOT specification or non-DOT specification cargo tanks not to exceed 210 gallons, as described in Tread Corporation Drawing Nos. P1555-3C Rev. A (body profile) dated September 19, 1997 or P1664-1D Rev. A (saddle-mounted) dated May 19, 1998 on file with the Office of Hazardous Materials Exemptions and Approvals (OHMEA).

(4) Ammonium nitrate (UN1942), Division 5.1, and ammonium nitrate/fuel oil mixtures (NA0331), Division 1.5D, must be packaged in non-DOT specification cargo bins as described in Tread Corporation Drawing No. 100-C540 Rev 6 dated November 1, 1985 on file with OHMEA.

(5) Bulk explosives, blasting, type E, Division 1.5D and all oxidizing liquids, n.o.s., Division 5.1, must be packaged in DOT Specification 406, 407, 412 MC 306, MC 307 or MC 312 cargo tanks or in non-DOT specification cargo tanks described in Atlas Powder Company drawings RS-41701, RS-41702 and RS-41703 (2,376-gallon capacity). The non-DOT specification cargo tanks are currently authorized under DOT-E 8453.

(6) Nitrites solution (UN3219 containing not more than 40 percent sodium nitrite in water) and Acetic acid solution (UN2790 with not less than 50 percent but not more than 80 percent acetic acid) must be separately packaged in 1/8 inch thick stainless steel non-DOT specification containers which are permanently mounted on the motor vehicle and have a capacity not to exceed 115 gallons as shown in Tread Corporations Drawing No. P1338T-1D, Rev. B dated December 2, 1996 on file with OHMEA.

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b. OPERATIONAL CONTROLS -

(1) Transportation is limited to private carriage only.

(2) The two (2) IME 22 containers must be located directly behind the cab on opposite sides of the motor vehicle. The IME 22 containers may not share a common wall or be in direct contact with any cargo tank, tank bin, pump or piping containing a hazardous material.

(3) Cargo tanks containing combustible liquids and the non-DOT specification containers containing the nitrite solution and acetic acid solution may not have common walls with each other or with any other compartment, tank or bin on the motor vehicle.

(4) The nitrite solution cargo tank shall be located below and away as far as practical from cargo tanks containing ammonium nitrate or ammonium nitrate emulsions on the frame structure of the motor vehicle.

(5) None of the materials in any cargo tank or bin on the motor vehicle may be mixed, transferred or circulated while the vehicle is in transit on a public road or highway.

(6) All transfer pumps shall be equipped with at least two positive means to prevent operation while in transportation. All process lines must be clear of any hazardous materials and all valves shall be securely closed before transport on a public road or highway.

(7) All nitrite solution cargo tank transfer piping and pumps shall be completely drained prior to transport on a public road or highway.

8. SPECIAL PROVISIONS:

a. A current copy of this exemption must be maintained at each facility where the package is offered or reoffered for transportation.

b. The motor vehicle must be plainly and durably marked on both sides near the front, in letters and numbers at least 5 cm (2 inches) high on a contrasting background "DOT-E 12677."

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.

10. MODAL REQUIREMENTS:

a. A current copy of this exemption must be carried aboard each motor vehicle used to transport hazardous materials covered by this exemption.

b. Drivers shall have been instructed as to the necessary safeguards and proper procedures in the event of an unusual delay, fire, explosion or accident involving the hazardous materials covered by this exemption.

11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this exemption and penalties prescribed by the Federal hazardous materials transportation law, 49 U.S.C. 5101 et seq:

o All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.

o Registration required by § 107.601 et seq., when applicable.

Each "Hazmat employee", as defined in § 171.8, who performs a function subject to this exemption must receive training on the requirements and conditions of this exemption in addition to the training required by §§ 172.700 through 172.704.

No person may use or apply this exemption, including display of its number, when this exemption has expired or is otherwise no longer in effect.

12. REPORTING REQUIREMENTS: The carrier is required to report any incident involving fire, explosion or loss of packaging contents or packaging failure to the Associate Administrator for Hazardous Materials Safety (AAHMS) as soon as practicable. (Sections 171.15 and 171.16 apply to any activity undertaken under the authority of this exemption.)

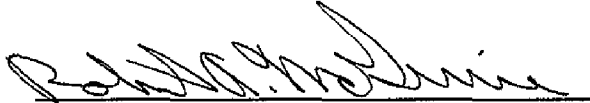
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In addition, the holder(s) of this exemption must inform the AAHMS, in writing, of any incident involving the package and shipments made under the terms of this exemption.

Issued in Washington, D.C.:



Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

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(DATE)

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration, Department of Transportation, Washington, D.C. 20590.
Attention: DHM-31.

The original of this exemption is on file at the above office. Photo reproductions and legible reductions of this exemption are permitted. Any alteration of this exemption is prohibited.

Copies of exemptions may be obtained from the AAHMS, U.S. Department of Transportation, 400 7th Street, S.W., Washington, DC 20590-0001, Attention: Records Center, 202-366-5046.

PO: scwatson